
BZA-1867
PAUL & ERICA PENCE
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, with consent of property owner and represented by attorney Joe Bumbleburg, are requesting a special exception to permit a farm drainage tile contractor (SIC 16) in the A zone. The proposed business would operate during daylight hours, 7 days per week or on an as-needed basis when necessitated by soil and weather conditions. The property is located at 2515 S 900 E in Sheffield 02 (NW) 22-3. (UZO 3-2)

AREA ZONING PATTERNS:

This property is zoned A, Agricultural as is all surrounding land; this zoning has been in place since the adoption of the first zoning maps in the county. Farther to the west, beyond Harding Road and south of SR 38, land is zoned AW, Agricultural Wooded.

AREA LAND USE PATTERNS:

This area of the county is almost exclusively farm fields with a scattering of homesteads. A two-lot minor subdivision for this site was conditionally approved at the October APC meeting (Carr Pence Subdivision). This division created a 3.752 acre flag lot on which petitioners' home and business will be found; the other lot lies between petitioners' property and the county road. Staff is waiting on the final plat to be submitted.

On the site there is a house, one barn and two silos. There is a line of trees that run along the front property line that screens the buildings from the road. Immediately adjacent to the property on all sides are farm fields. Petitioners plan to construct two additional buildings (70' x 140' and 70' x 160') to house materials and equipment associated with the tile business.

TRAFFIC AND TRANSPORTATION:

CR 900 E is classified as a rural secondary arterial. The petition states that there will be five employees on the largest shift; parking for this use requires one spot for each employee on the largest shift plus one per 200 square feet of office space. Based on the site plan and application this use is only required to have eight spaces. Petitioners have ample room for parking as shown on the site plan and with 3.752 acres, have space for additional parking if needed. The petitioners have indicated that customers will rarely visit the site; paved parking is not a requirement in the A zone.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

A letter from the County Health Department states that the site “has an existing single-family dwelling located on it served by an existing sewage disposal system and individual water well.” Regarding the business use of the land, “a soil evaluation on this lot for a proposed agricultural business...indicates the site can be considered for a shallow trench subsurface absorption system with a perimeter drain to lower water table. Based on discussions with the county building commissioner the petitioners will need to receive approval from the State Building Commissioner, the County Surveyor, the County Highway Department, and the County Health Department before a building permit for the proposed two additional structures will be issued.

STAFF COMMENTS:

At its November 5th 2012 meeting the County Commissioners voted to approve a UZO amendment that would permit this particular use, farm drainage tile contractors (SIC 16), in the A zone with a special exception. This amendment was completed with the help of petitioners.

Petitioners would like to operate a farm drainage tile business out of their home. According to the petition there is a 10' x 15' office in the home and two additional structures will be built to help store material and equipment for the business. Since the property is over 2 acres in area, it would have qualified as a rural home occupation which does not require any BZA action, except rural home occupations are only permitted one additional employee. Petitioners are planning on five employees.

Because the ordinance does not allow two principal use buildings on the same lot, the office for the farm drainage tile business must remain in the residence. A footnote in the UZO use table states that all materials and equipment must be stored indoors; by adding the proposed accessory buildings petitioners will be able to meet this requirement.

Petitioners state that only five employees will be on the largest shift. That would mean that workers travel to the site before and after work begins for the day. Additional travel could include occasional clients, but petitioner states that most clients would not come to the site. Based on the petition the only noise that this use will create is noise similar to farm equipment; the only lighting that will be added will be security lighting of the structures. Petitioners believe that the proposed use is consistent with other agricultural uses in the vicinity.

At its meeting on November 21, 2012 the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for a **Farm Drainage Tile Contractor-SIC 16** in the **A** zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the UZO **WILL** be met. By allowing petitioners to build two additional buildings the requirement to have all materials and storage indoor will be met. In order to meet the requirement that only one principal use building exist per lot, petitioners will need to house the business office in their residence.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The petitioners have shown a willingness to meet the requirements of the ordinance by working with staff to create an ordinance amendment. After discussion with property owner and petitioners, staff realized that the ordinance did not permit this particular type of contractor in the agricultural zones.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: The traffic generation will be minimal; five employees leaving in the morning and returning in the evening plus any additional trips for equipment is typical for uses in the agricultural zones.
 - b. Placement of outdoor lighting: Petitioners state that the only lighting associated with the use will be security lighting of the pole structures which is typical in agricultural areas.
 - c. Noise production: Most of the noise produced by this use will occur at the job site and not at the request site. The noise produced at this site will be similar in volume to those at a typical farm; again all activities associated with this use will occur indoors, thus muting any noise produced.
 - d. Hours of operation: Staff feels that the requested hours, daylight hours 7 days a week year round, or on an as-needed basis based on weather, is typical of farm-related businesses.

STAFF RECOMMENDATION:

Approval